

1        My name is Devin Kelley; Social Security number is 634-24-  
 2 5484; and driver's license number 25628192; date of birth  
 3 February 12, 1991; death, uncertain.

4        So in serving CYFD, uhm, I was the one who hit J█████. Tessa  
 5 did not know. I was told by lawyers to not say anything; that  
 6 if I said anything, I would lose my child, which then we would  
 7 lose J█████ anyways, which inevitably ended up being the wrong  
 8 choice. Uhm, there's multiple times where I would get  
 9 frustrated with him. He would get into things and Tessa wasn't  
 10 around to take care of him at the time and I would slap him.  
 11 Uhm, a lot of times when he would crawl, he would go and try to  
 12 grab something that's dangerous and I got tired of it and, so I  
 13 pushed him on his butt one time. He fell and landed on his  
 14 shoulder and kind of flipped over, so I am assuming that is  
 15 where he got the clavicle. Uhm, I had slapped him across the  
 16 face several times. Like I said, Tessa was unaware the whole  
 17 time and, you know, one time I heard her crying and saying, "I  
 18 am sorry, J█████. I don't know what happened to you." I mean, it  
 19 just, it tears me up inside of me, you know, I have been  
 20 suicidal. It was done at the peak and nobody really knew why I  
 21 was suicidal. Nobody in this world knew what I knew, and nobody  
 22 really is ever going to be able to get into my brain to really  
 23 see everything, I guess, that happened.

10 EXHIBIT 4

1       Uhm, so the bruising was caused by me the day before we  
2 left to go to that, uhm, that one -- I don't remember the date  
3 exactly, but the day that he had the bruise on the side of his  
4 face. He was doing something, getting into something. I got  
5 frustrated with him. I slapped him across the face. Tessa was  
6 not in the room. I did it in the living room. Sorry if I am  
7 looking down I am looking at myself. So Tessa was not in the  
8 living room. I believe she was telling me to get him changed.  
9 Yup, I can remember correctly a year ago. It was -- I was  
10 trying to get his clothes on, I believe, and he was being very  
11 baby like, and being a 20-year-old man with no experience with  
12 babies, an anger issue, and lack of self-control I smacked him  
13 across his face to try to get him to stay still. It didn't  
14 work; all it did was make things worse. I slapped him hard  
15 enough where he had fallen over on his side. And it's not that  
16 I don't love J█████. I love my son very much. I made some stupid  
17 decisions; really stupid decisions that I could (unintelligible)  
18 have a life, a good life. Uhm, he gave me every opportunity in  
19 the world and I just dragged him through the mud.

20       Uhm, I am making this documentary, so everybody knows.  
21 OSI, the military and then nobody has a question of what  
22 happened. Uhm, I don't want Tessa to be blind because she had  
23 no idea. She was -- I lied to her forever telling her that no,

1 I didn't hit him. I don't know what happened. I wasn't there.  
 2 And everybody's convinced; my parents were even convinced, "Oh,  
 3 you couldn't have been there. You were at work." And, you  
 4 know, it's not true. It can happen in a split second, you know,  
 5 it only takes a few seconds to lose control. I believe I  
 6 regained that control in parenting classes. It's unfortunate  
 7 that -- sorry -- it's unfortunate to let them know I was a  
 8 sinner. I am not putting the blame on my inexperience. I have  
 9 a problem -- I have a problem controlling my -- my emotions. It  
 10 seems to cause me to look rebellious. It seems to cause a lot  
 11 of problems in my life and it caused problems in my marriage. I  
 12 am very controlling. And even like I said, his age at the time,  
 13 you know, they are not doing what I wanted him to do and being a  
 14 controlling person, not understanding the language of a baby,  
 15 you know, I reacted as if I were to react to an adult. I have  
 16 learned a lot since -- since all this, uhm, since all the  
 17 classes and it's hard -- it's hard to -- it's hard to deal with  
 18 knowing that you, uh, that I destroyed three lives: my own, my  
 19 son's, and my wife.

20 My wife was my best friend. I betrayed her. I hurt her  
 21 and my son. J█████ is the person I love the most in this world.  
 22 I hurt him. Nothing makes up for that (crying). Everybody I  
 23 think knew deep down inside that I did it, but I think because I

1 am military, people want to cover my ass because I represent the  
 2 government and I think that's why the psychiatrist diagnosed  
 3 Tessa with all these things that she didn't have. He diagnosed  
 4 me with one thing and I definitely know that I have a lot more  
 5 problems than that. Sorry (crying). Uhm, basically his  
 6 diagnosis was horse shit. Didn't mean anything. It had nothing  
 7 to do with Tessa. Tessa is a very strong person and that used  
 8 to be a strong person.

9       Uhm, to my parents, I'm sorry I didn't tell you. I am  
 10 sorry I lied. You know that is one of my biggest things is I  
 11 lie, and I lie, and I lie because I am ashamed or, in this case,  
 12 ashamed and told not to say anything. Uhm, I believe Tessa --  
 13 Tessa is a wonderful mother. She -- she loves her child very  
 14 much. I want this videotape to be shown to the judge so that he  
 15 knows me and my wife, you know, we are separating. It's  
 16 unfortunate because I still love her, but, you know, we all  
 17 suffer the consequences of the mistakes we make and I have to  
 18 make one and unfortunately this is not going to be the -- this  
 19 is not the first mistake, and this is not the last mistake, and  
 20 there's probably plenty to come unfortunately. I try -- try  
 21 just try my best to not get to that place. Not, not uhm -- it's  
 22 heading here, but, you know, ever since I was a kid I had  
 23 problems controlling when I felt things weren't fair I hit

1 people, and yell. I wasn't always like that. I was bullied as  
2 a kid. I got tired of it at about sixth grade; picked on and  
3 decided I was going to be the top dog apparently, you know, and  
4 you don't realize how every little thing you do affects your  
5 future. Uhm, it's unfortunate because I love J. [REDACTED] with all my  
6 heart. I love him more than anybody, but I know what's right  
7 and I have been try -- I have been avoiding it. I know it needs  
8 to be done. And I know that people might not agree with my  
9 actions and my decisions down the line, but I think it's to the  
10 best, you know? I think when you're under a lot of stress  
11 sometimes, you know, you can't handle it anymore and you do  
12 outrageous things that you'd never do like hit a babe -- like  
13 hit a baby. (Crying) And so mom, dad, I'm sorry I lied to you.  
14 I still love God. I still love J. [REDACTED]. I still love Tessa. You  
15 know, this is not your fault (unintelligible) from the  
16 beginning. If I stopped worrying about myself and started  
17 thinking about others maybe this would never have happened. I  
18 don't know. Maybe -- maybe it would've turned out different.  
19 Maybe I would have been able to keep my family, but my life's  
20 changing and unfortunately, today, what day is it? Let me see.  
21 Let's see here, the 27<sup>th</sup> of April happened to be the day that I  
22 really didn't -- uhm, I worry for my wife because she is leaving  
23 and willing, uhm, you know, not saying that I am objecting to

1 it. I asked her to stay, but it's her choice if she feels that  
2 the best thing to do to get her kid back is, you know, leave me  
3 then I think she should pursue that because this is my fault and  
4 I think it is selfish of me to ask her to stay with me and risk  
5 losing her child because J [REDACTED] is special.

6 Uhm, he is different from other kids, other children. I  
7 believe it's that that uh, now that this is happening, I am  
8 going to be dropped from the case probably -- I don't know  
9 what's going to happen in the future. And I got a pretty good  
10 idea, but I will no longer be part of this -- I hope Tessa takes  
11 this to Angie and let's her know. You know -- you know it's  
12 just like they said in the meetings, uhm, you can only -- you  
13 can only hold it in so much and you can lie, and you can try to  
14 push it away, but eventually it comes to the surface. You just  
15 can't deal with it anymore. You can't take the shame. You  
16 can't take the secrets, and the lies. It's just -- it's too  
17 much to bear.

18 I hurt my best friend's child, I mean, God gave me this  
19 wonderful future. I had a family. I -- I -- once before I  
20 asked (unintelligible) can be a family, and want a family. I  
21 want children. I want a wife. I want somebody to love me. I  
22 want just loving my child. My child is -- well, J [REDACTED] is the  
23 sweetest baby in the world and I didn't (unintelligible). I

1 didn't follow the right path and unfortunately you can't take  
2 back the past, you can only change the future, but Tessa  
3 deserves him back. It's not her fault, it's my fault. You  
4 know, uhm, I am not a doctor. I don't know exactly where  
5 (unintelligible) the brain injuries, the clavicle  
6 (unintelligible) multiple times I pushed him when he was  
7 crawling. He would be getting into something or I would push  
8 him from his butt and he would fall over on his shoulder. I'm  
9 assuming that's where it came from. Uhm, even though I struck  
10 him several times, I mean, when he would eat he would -- as a  
11 baby, he would spit out his food. I was like trying to feed it  
12 to him and every time he would spit it out, and I just -- I got  
13 tired of it. It was frustrating to me at the time, now it would  
14 be like -- it would be no big deal, but, uhm, at the time, you  
15 know, I'd take the spoon and get it in there and do what I had  
16 to do to feed the child and I think he was more a frustration  
17 than, you know, with a child you can't be forceful. You have to  
18 be gentle, loving, kind because they're fragile.

19 I, uhm -- this is really embarrassing for me because the  
20 whole (unintelligible) child beater, and a wife beater.  
21 (Unintelligible) Jesus, I don't know if you can see that  
22 [showing \_\_\_\_\_]. I have learned to be a Christian and  
23 I screwed up pretty bad. So all I've got to say is I am sorry.

1 I am sorry that I let (unintelligible). I am sorry that my  
2 spouse is going to have to lose her child because of my  
3 inactions, because I lied to her. I lied to my family. I lied  
4 to everybody and it's something that I am good at. I'm good at  
5 lying. I denied everything. My parents know -- I don't know  
6 what else to say. Uhm, I am going to be honest, this tape is  
7 probably going to get me and a lot of trouble, but it's the  
8 right thing to do. To, I think, do to come clean and let people  
9 know the truth because if I were to die tomorrow in a car  
10 accident or, you know, the secret of J [REDACTED] would go with me and  
11 nobody else in this world would know. Nobody knows  
12 (unintelligible) about truth. I mean -- I mean, I did more  
13 things. You know, I tried -- I tried to push it out of my mind  
14 a lot. I really tried, but (unintelligible) this, but I'd pick  
15 him up and he'd start crying. He didn't want to be picked up.  
16 He just wanted to keep getting into messes and stuff and I would  
17 shake -- I shook him twice. Uhm, uh, one of those times was  
18 when the ambulance came to the house and uh -- well he was  
19 sitting down after that and Tessa came in. He was sitting down  
20 and his eyes rolled back in his head and the ambulance came, and  
21 apparently he had a seizure. And you would be sitting there  
22 thinking, in your brain, and at that moment it is like oh my  
23 God, this kid is going to die because I lost my self-control. I

1 lost my military bearing and it's not funny, and it's not cute.  
2 It's not -- it's just untolerable. It's -- sometimes you just -  
3 - just say no. You got -- you just got to say no. Just, you  
4 know, just like the saying, "Just say no." I mean, you can't --  
5 you know, sometimes your mind is going to talk you into doing  
6 something and, I mean, uhm, you know, lions, the ability of  
7 lions, you know, they come into a herd, and they come in and  
8 then kill the babies to this mother and uh then you reproduce  
9 with the mothers so that way the mother has their kids instead  
10 of, you know, somebody else's kids. You know, it's kind of -- I  
11 don't think we truly understand why people and humans in  
12 particular, we're the most complicated, why we do what we do.  
13 Some of it I think is natural; some of it, I don't. I don't  
14 agree with beating a child. I don't agree with hurting a child  
15 at all. I believe that, like Jesus said, you know, "The less  
16 you become like these children, you will never enter the kingdom  
17 of heaven." And I tried (unintelligible) and I tried to be  
18 good. I tried to do what I -- the best I can and like it says,  
19 I think, believe it's Corinthians, "I do what I do not like -- I  
20 do not -- I do what I hate. But I know it's the sin within me  
21 then." It is not me doing it, it's just an excuse. I take full  
22 blame for what I've done. Uhm, it's sad that I hurt the person  
23 I love most in this world, and as a child. Can I live with

1 myself the rest of my life knowing that I hurt a child? I don't  
 2 know. I guess we will find out.

3 Please take this into consideration. Tessa doesn't deserve  
 4 this. J█████ doesn't deserve this. He stepped into our lives and  
 5 promised him that I would give him a whole new future. All I  
 6 did was destroy it. It's all I did. I didn't do anything good.

7 To my family, I -- you weren't who -- what you do. You are  
 8 more than the mistakes you've made, and they are more than  
 9 choices you make. I let you down (unintelligible) I'm a good  
 10 person. I have done bad things. Some will take me -- be taken  
 11 to the grave. Uhm, again it's the best for Tessa. She's got a  
 12 better chance of getting him back without me. You know, and I  
 13 think -- I think -- I think I've improved, definitely, but I  
 14 think, you know, once you're a certain -- I don't -- I don't  
 15 think adults change. I don't think people change. I believe in  
 16 miracles. I believe in angels and I believe in demons, but I  
 17 think for most people, they're going to be who they are and live  
 18 their lives out, but based on the choices they make, they're a  
 19 wife beater, they're gonna probably beat their next wife. If  
 20 they're a child beater, they'll probably beat their own child.  
 21 It's not that they don't love them, it's just -- it's  
 22 complicated. Uhm, it's been over 20 minutes I've been talking  
 23 here. I don't know what else to say besides I am the one who

1 caused all of his injuries and tired of lying. Tired of having  
2 this shadow. All things will be revealed in the end. I now  
3 confess -- confess in the things you've done. I am just hoping  
4 the day, my last day, whenever that is, whatever date that is,  
5 only God can forgive me.

6 Again, well please take this into consideration. It would  
7 mean a lot to me. Tessa means a lot to me. She's had a lot of  
8 hard things go through her life and she loves this kid more than  
9 anything in the whole world. (Crying) Don't take him from her,  
10 please, not based on what I've done. It's not her fault. She's  
11 got good parenting classes. She's ready to have her son back.  
12 Half his life -- more than half his life he's been away from his  
13 mother. It's not fair. So I would like you to look inside your  
14 heart and ask yourself can you live with this if you decide to  
15 take her away from him. Could you live with that knowing that  
16 she didn't do anything? She was never (unintelligible) on him.  
17 She loved him. Every time he would cry she would come running  
18 across the room. I mean, she would never hurt that child

19 END OF RECORDING